

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 7, 2008

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Deb Scott, Marc Carmichael, Matt Whetstone, Trevor Vance, Brad Klopfenstein, and Nicole Upano were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the September 16, 2008 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the October 7, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DL56-23292 GIBSON GROUP, LLC – Hearing Judge Choe stated this was a recommended denial by the Newton County Local Board. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits her Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Findings of the Hearing Judge and overturn the denial of the new permit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and

hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Five hundred twenty-two (522) renewals approved, sixty-six (66) new and/or transfer permits approved, seventeen (17) permits approved for catering, five (5) permits approved for first year escrow, six (6) permits approved for second year escrow, one (1) permit approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR20-24172 DADA, LLC – Chairman Heath noted this is a new type 112 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated the local board members that voted to deny this application were concerned about the applicant's brother and his history with the Commission. There was nothing mentioned about any problems with the applicant, who owns other alcoholic beverage permits.

Commissioner Guthrie moved to overturn the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE – Vice Chairman Johnson moved to make fifteen (15) permits inactive. All fifteen (15) permits are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

GAMING SITE FINAL RULE ADOPTION -

Executive Sec. Choe Based on the public comments the Commission considered and changed certain items from the proposed rule. The significant change rule is to the definition of the support facility, which now excludes parking facility. The support facility includes riverboats, offices, docking facilities, land-based hotels or restaurants and passenger pavilion. However, the rule will give permittees options of extending the support facility to an area that is in close proximity to the gaming site, subject to the written approval of the Commission. Therefore, I request that the Commission adopt the previously submitted final rule.

Commissioner Guthrie Mr. Chairman, I move we adopt the final gaming site rule.

Vice Chairman Johnson Second.

Chairman Heath All in favor?

Commissioner Sturtz Aye.

Commissioner Guthrie Aye.

Vice Chairman Johnson Aye.

Chairman Heath Aye.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

NOVEMBER COMMISSION MEETING – The first Commission meeting in November will be held on Wednesday, November 5th at 10:00, due to Election Day.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2008.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER